



California Fair Political Practices Commission

March 12, 1986

Jerry Cirino
Committee on Fair Zoning
P.O. Box 1799
Nevada City, CA 95959

Re: A-86-087

Dear Mr. Cirino:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact the Technical Assistance and Analysis Division at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeanne Pritchard".

Jeanne Pritchard
Chief
Technical Assistance and Analysis
Division

JP:plh



COUNTY OF NEVADA

BRUCE C. BOLINGER

COUNTY CLERK-RECORDER

Courthouse Nevada City, California 95959

Telephone Elections 916 265-1298

APR 14 9 26 AM '86

April 9, 1986

Ms. Jeanne Pritchard
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Pritchard:

Enclosed is a collection of material which will give you a fuller understanding of the context surrounding Mr. Cirino's letter of March 7 to the FPPC. It includes the following:

1. February 19, 1986 article from Grass Valley-Nevada City Union.
2. Mr. Cirino's letter of February 24, 1986 accusing me of bias. The various attachments give some of the background up to that point.
3. My letter of February 25, 1986 to Mr. Cirino responding point-by-point to his accusations.
4. My letter of February 25, 1986 to Mr. William Brodie, Treasurer of the Committee on Fair Eoning. (A similar letter was sent to the Economic Development Political Action Committee. [EDPAC])
5. Article of February 25, 1986 from the Daily Grass Valley-Nevada City Union written by a reporter who was familiar with the issues and personalities.
6. Article of February 28, 1986 from the weekly Independent-Messenger quoting Cirino's charges which was written by a reporter not familiar with the issues and people involved.
7. My letter to the editor of the Independent-Messenger responding to the article of February 28, 1986.
8. Copies of our brief instructions in our Candidates' Handbook for the November 5, 1985 and June 3, 1986 elections which supplement the FPPC materials we give to candidates.

As you can see from my letters that are enclosed, we have been operating on the assumption that committees concerned with measures that come into existence were getting what they needed in the way of instructions from the Secretary of State and the TPAC. Some of these committees never have any contact with us. EDPAC is a good example of this. Other than the copy of the Statement of Organization sent to us by the Secretary of State, we had no contact with that committee until a reporter pointed out to us that it was listed on the six month report by the Committee on Fair Funding as one of CFF's contributors. Until then, for all we knew, EDPAC was inactive.

Committees for candidates are another matter. Since the candidates come to our office to file for office, we hand them the packets of instructions from the FPAC at that time. In other words, we can count on having contact with the candidates but not necessarily with the non-candidate committees.

Is there some policy on the part of the FPAC that we should be sending instructions to the measure committees and PAC's when we get the photocopies of the Statements of Organization from the Secretary of State? Does the language of Government Code Section 31010(a) (which came to our attention as a result of the Filing Officer's Newsletter) which says we "supply" the necessary forms and manuals mean that we supply upon request or that we supply automatically whether requested or not? My understanding was that the TPAC and/or the Secretary of State supplied the measure committees and PAC's with instructional materials. Isn't this so?

Until we received your Filing Officer's Newsletter, Vol. 1, No. 1 in October, 1985, we were unaware of any policy on the part of the FPAC regarding our responsibilities as far as checking the campaign finance reports for completeness. If that policy appeared in any of your other literature prior to then, I wasn't aware of it. It was as a result of what our clerk read in the Newsletter that we felt we should find out more about it.


I had our clerk call the FPAC about this and someone at your office responded by sending us a copy of California Admin. Code Section 18110. This was the first time that I had seen that language. Has any of that language appeared previously in any of the literature that the FPAC sends to County Clerks?

It wasn't until the November 5, 1985 election was behind us that I had the time to discuss the information that appeared in the Filing Officer's Newsletter and California Admin. Code Section 18110 with the clerk who is responsible for the reports. (She works half-time for us and has as her primary responsibility entry of new voter registrations into the computer, not screening campaign finance reports. And when the last pre-election reports are filed we are overwhelmed with the election work which leaves little time for examination of campaign finance reports.)

I then had our clerk, Barbara Jones, go to the SPPC to get our duties clarified. She met with Carla Wardlow on January 14th. On the basis of the results of that meeting, I directed Barbara to screen all reports and contact the filers in the event of defects in their reports.

I would appreciate it if you would send me a copy of Mr. Cirino's most recent letter and, later, of any response that you send him. As I mentioned in our phone conversation, I expect that Mr. Cirino will promptly relay your response to Mr. DuPell, my opponent's campaign manager for whatever use he can make of it. I can just see excerpts from it showing up in a countywide campaign mailer attacking me between now and June 3!

Sincerely,



BRUCE C. BOLINGER
Nevada County Clerk/Recorder

BCE/bk5

Enc/

Committee on Fair Zoning
P.O. Box 1799
Nevada City, CA 95959
March 7, 1986

Mr. Stanford
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Mr. Stanford:

Attached is a recent letter from Bruce Bolinger, County Clerk - Recorder of Nevada County to Cicely Roddy, Editor of the Independent Messenger.

The letter raises several issues which we would like clarified by you.

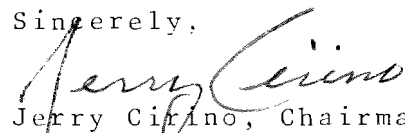
In the second paragraph of the letter Mr. Bolinger states that information regarding rules on campaign finance reporting come from your office and the Secretary of State, not from the County Clerk. Is this true?

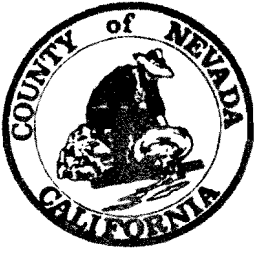
During the course of the campaign we received all forms and campaign information from the County Clerk's Office. We have never received any information from your office or the Secretary of State.

In the fourth paragraph Mr. Bolinger states that your office only required his office "to get after campaign committees and candidates that filed sloppy reports" starting in October, 1985. Is this true? Does this mean that no one was responsible to correct "sloppy" reports prior to October, 1985? May we have a copy of this directive to County Clerks?

Your clarification of these two issues would be of great help.

Sincerely,


Jerry Cirino, Chairman
Committee on Fair Zoning



COUNTY OF NEVADA

BRUCE C. BOLINGER

COUNTY CLERK-RECORDER

Courthouse Nevada City, California 95950

Telephone (916) 265-1293 Clerk Recorder 265-1222

Feb. 28, 1986

Mrs. Cicely Roddy
Editor
Independent Messenger and The Villager
417 Broad St., Suite C
Nevada City, CA 95959

Dear Editor:

The February 28 issue of The Independent Messenger reported a charge by Jerry Cirino, chairman of the Committee for Fair Zoning, the pro-mining campaign committee in last November's election, that I was "unfair and biased" in asking it to file proper financial disclosure reports. In fact, his committee has been treated like any other committee.

It is the responsibility of any campaign committee, including Mr. Cirino's, to learn what the rules are on reporting contributions and expenditures. The information about those rules comes from the Secretary of State's Office and the Fair Political Practices Commission, not from the County Clerk's Office. Our little candidates' handbook has never attempted to do any more than provide a few definitions and the deadlines for filing regular reports.

Mr. Cirino's committee failed to report a \$3000 contribution that it received last October that should have been reported within 48 hours and it failed to properly complete a final report that was due at the end of January. Considering that it had a professional campaign manager, to whom it paid \$6500, who filled out the committee's financial reports, it does not seem too much to expect that he at least would have learned the rules and followed them. Other campaign committees managed to do so without having any experts on their payroll.

Mr. Cirino's citing of 1982 reports filed with our office is misleading since, in 1982, the duty of the County Clerk's Office was only to file the reports. It was not until last October that the FPPC for the first time asked county clerks' offices to get after those campaign committees and candidates that filed sloppy reports. And that is what we have been doing, not only in the case of Mr. Cirino's committee, but also its opposition, the "no on Measure C" group known as R.E.E.D, to which I sent a letter on November 1, 1985 requiring an amended report of their finances.

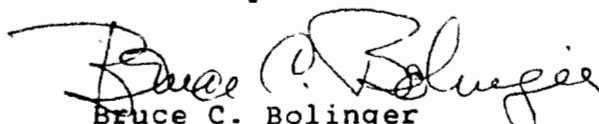
Letter to Cicely Roddy

2

Mr. Cirino also cited my campaign finance statement of 3/18/82 to 5/22/82 as an example of an incomplete report in that no committee ID number or treasurer and treasurer's address were listed for a contribution from the Nevada County Environmental Council. However, he neglected to learn that that group was not a political action committee under the Political Reform Act and, therefore, did not have an ID number nor a treasurer as far as the Political Reform Act was concerned.

I hesitate to take Mr. Cirino's statements at face value since his campaign manager is now managing my opponent's campaign.

Sincerely,


Bruce C. Bolinger
Nevada County Clerk-Recorder

Committee on Fair Zoning
P.O. Box 1799
Nevada City, CA 95959
February 24, 1986

Mr. Bruce Bolinger
County Clerk Recorder
Court House
Nevada City, CA 95959

Dear Mr. Bolinger:

As requested in your letter of February 14, 1986, enclosed is an amended Schedule A to correct clerical errors and a report of a late contribution.

It was not our intention to omit information, however we were not able to obtain addresses, employment and ID numbers before the filing date.

Please note the information you requested:

Fred Benuzzi - contractor
Joe Lausman, Jr. - lumber wholesaler

EDPAC - ID #851310, 248 Mill St. Grass Valley, Don Litchfield, Treasurer.

The Committee on Fair Zoning objects to the unfair and biased treatment we have received from you as County Clerk Recorder during our brief existence as a political committee.

Since organizing in late September, 1985 for the November 5, 1985 election we have experienced repeated problems with your office:

- Your office provided our Committee with the improper financial reporting form for our first financial filing October 24, 1985. Form 490 was supplied instead of Form 420. This error by your office allowed our political opposition an opportunity to discredit our integrity in the 11th hour of a crucial and hard fought campaign which we lost by 8 votes out of some 14,000 cast. (#1 - Grass Valley Union article November 4, 1985)

On October 30, 1985 just days before the election, as County Clerk Recorder, you made a public complaint about the use of a check mark on our campaign mailer. (#2 Grass Valley Union article October 30, 1985) The Committee did not receive an official notification from your office. Since the Committee paid for a recount and reviewed all ballots cast in the November 5, 1985 election, we found our check mark emphasis had no adverse effect on voting or the markings on the ballots. We note as Clerk there were no complaints about similar marks on campaign literature during previous campaigns.

- You ignored and never responded to our formal request to remove Measure "C" from the November 5, 1985 ballot since we believed it was placed on the ballot illegally and improperly. (#3 Grass Valley Union article October 24, 1985)

- On election night you failed to count Chicago Park/Sunshine Valley precincts. Our Committee uncovered the 319 vote undercount. With confidence eroded due to this undercount, our Committee was left with no choice but to raise and spend \$420 and use three days of our time for a recount to verify results to satisfy our Committee, supporters and the voters in Nevada County. (#4 Grass Valley Union November 8, 1985)

- And now, a warning letter from you regarding alledged requirements not met by the Committee. (#5 Grass Valley Union article February 19, 1986; #6 Clerk's letter February 14, 1986; #7 1985 Candidate's Handbook; #8 1986 Candidate's Handbook)

On this last point it should be noted that we followed the 1985 Candidate's Handbook, issued by you, which did not include late contributions information. We rely on the Clerk's office to provide us with pertinent information regarding filing requirements. The Secretary of State's Office did not provide us with any information regarding filing requirements.

It is of interest to note your 1986 Candidate's Handbook does include information regarding late contributions.

We resent being singled out for clerical errors in our report as stated in paragraph #1 of your February 14, 1985 letter.

Our Committee has reviewed the financial reports filed by others in your office. We never made it through the "B"s in the alphabetical office files before finding numerous clerical errors identical to ours.

For example:

- Hank Bowen for Supervisor District 3, financial report for 5/23/82-7/30/82, treasurer omitted date next to signature and Valmont Corp. contribution of \$100 did not include address of Corp.

- Hank Bowen for Supervisor District 3, financial report for 3/18/82-5/22/82 omitted address, treasurer and I.D. number of \$100 contribution from Nevada County Environmental Council.

- Bruce Bolinger for County Clerk Recorder, financial statement for 3/18/82-5/22/82 omitted address, treasurer and I.D. number of \$100 contribution from the Nevada County Environmental Council.

- Crawford Bost for Supervisor District 5, financial report

for 9/18/84-10/20/84 omitted occupation and employer for one contributor of \$100 or more.

- Pat Sutton for Supervisor District 5, financial report for 3/18/84-5/19/84 omitted occupation and employer for one contributor of \$100 or more.

- Pat Sutton for Supervisor District 5, financial report for 10/21/84-12/31/84 omitted occupation and employer for three contributors of \$100 or more.

The files of these examples did not include warning letters or amended reports.

We object to the unfair and biased treatment we have received from our County Clerk Recorder.

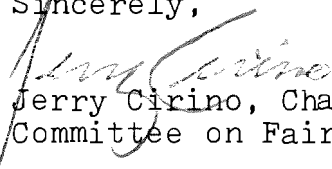
We wish to be treated in the same manner as other committees and candidates.

During the brief and trying times of this organization not once did we lower our standards or integrity.

What is required of one must be required of all.

The public trust for your office is too important to jeopardize with personal bias.

Sincerely,


Jerry Cirino, Chairman
Committee on Fair Zoning

cc: Secretary of State
Fair Political Practices Commission
Attorney General

Enclosures: 10

Committee on Fair Zoning
P.O. Box 1799
Nevada City, CA 95959
February 24, 1986

Mr. Bruce Bolinger
County Clerk Recorder
Court House
Nevada City, CA 95959

Dear Mr. Bolinger:

On October 23, 1985 the Committee on Fair Zoning received from the Economic Development Political Action Committee of Nevada County a contribution for a "Yes" vote on Measure "C" in the amount of \$3,000 as reported to your office on January 31, 1986 on form 420.

Sincerely,

Bill Brodie

Bill Brodie
Treasurer



Form 405
1986

AMENDMENT TO CAMPAIGN DISCLOSURE STATEMENT

For use by persons amending statements filed pursuant to Government Code Section 84200-84217. This form must be filed with all filing officers who received the statement being amended. NOTE: This form is not used to amend a Statement of Organization (Form 410).

(Type or Print in Ink)

I. The information required in Section I must correspond to the information provided on the campaign statement.						A OFFICIAL USE ONLY	
NAME OF FILER: <u>Committee on Fair Zoning</u>						I.D. NO. (IF APPLICABLE) <u>851106</u>	
ADDRESS OF FILER:		NO. AND STREET	CITY	STATE	ZIP CODE	AREA CODE	PHONE NUMBER
		<u>P.O. Box 1799</u>	<u>NEVADA</u>	<u>Ca.</u>	<u>95959</u>		
NAME OF TREASURER (IF APPLICABLE): <u>Bill Brodie</u>							
PERMANENT ADDRESS OF TREASURER (IF APPLICABLE):		NO. AND STREET	CITY	STATE	ZIP CODE	AREA CODE	PHONE NUMBER
		<u>12700 Valley View Rd.</u>	<u>NEVADA</u>	<u>Ca.</u>	<u>95959</u>		

II. The following information amends campaign disclosure statement, Form No. 420, Executed on 1-30-86 (MO., DAY, YR.) for the period OCT. 20 - 85 to Dec 31, 1985.

III. The amended information affects items on the:

☐ Front Page

☐ Summary

☒ Schedule(s) A-

IV. Describe the changes below. Include in detail all information you wish to become a part of your official campaign statement.

See Attached letter -

V. Reason for amendment:

See Attached letter -

Include additional information on reverse side or on appropriately labeled continuation sheets. (Number of pages attached 1)

C	VERIFICATION I have used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein and in the attached schedules is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
D	
E	
F	

Executed on 2-21-86 at Nevada, Ca. by William Brodie
(DATE) (CITY AND STATE) (SIGNATURE OF TREASURER)

A candidate or officeholder who controls a committee must also verify the campaign statement.

I have used all reasonable diligence, and to the best of my knowledge, the treasurer has used all reasonable diligence in preparing this Statement. I have reviewed the Statement and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____ by _____
(DATE) (CITY AND STATE) (SIGNATURE OF CANDIDATE OR OFFICEHOLDER)